

AMENDMENTS TO THE DRAWINGS:

In item 2 on pages 2-3 of the Office Action the Examiner objected to the drawings under 37 C.F.R. §1.83(a) "because they fail to show grooves formed on a separate member coupled to the moveable body and the control chamber defined in separate member provided at a predetermined position on a sidewall of the leg casing as described in the specification and in claims 13 and 41."

In order to overcome these objections, new Figure 4 is submitted herewith. In FIG. 4, the alternative embodiments discussed above by the Examiner are illustrated. No new matter has been presented, and these alternative embodiments are described at least in paragraphs [0027] and [0028] of the present application. Approval of these changes to the Drawings is respectfully requested.

REMARKS

In the Office Action the Examiner noted that claims 1-53 are pending in the application, and the Examiner rejected all claims. By this Amendment, claims 1, 18, 28 and 45 have been amended. No new matter has been presented. The Examiner's rejections are traversed below, and reconsideration of all rejected claims is respectfully requested.

Information Disclosure Statement

In item 1 on page 2 of the Office Action the Examiner stated that the "listing of references in the specification is not a proper information disclosure statement." An Information Disclosure Statement has been filed along with this Amendment, including Korean Patent Application No. 2002-53288, which is listed in paragraph [0005] of the present application.

Drawings

In item 2 on pages 2-3 of the Office Action the Examiner objected to the drawings under 37 C.F.R. §1.83(a) "because they fail to show grooves formed on a separate member coupled to the moveable body and the control chamber defined in separate member provided at a predetermined position on a sidewall of the leg casing as described in the specification and in claims 13 and 41."

Figure 4 has been added to the application to illustrate the embodiments discussed by the Examiner, and the Applicant therefore respectfully requests the withdrawal of the Examiner's objection to the drawings.

Claim Rejections Under 35 USC §112

In item 4 on page 3 of the Office Action the Examiner rejected claims 13 and 41 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Examiner stated that the "claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear how the grooves are formed on a separate member and how that member is attached to the movable body."

In item 5 on page 4 of the Office Action the Examiner rejected claims 16 and 43 under 35

U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. The Examiner stated that the “claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. It is unclear how the control chamber is defined in a separate member and how that member is attached to the sidewall of the leg casing.”

As stated in the previous section of this Amendment, Figure 4 has been added to the application to illustrate the embodiments discussed by the Examiner. No new matter has been presented. Therefore, the Applicant respectfully requests the withdrawal of the Examiner’s §112 rejections to claims 13, 16, 41, and 43.

Claim Rejections Under 35 USC §102

In items 7-12 on pages 4-6 of the Office Action, the Examiner rejected claims 1-2, 6-7, 12, 14, 28-29, 34-35, and 40 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,220,747, issued to Cherry et al. (hereinafter referred to as “Cherry”). The Applicant respectfully traverses the Examiner’s rejections of these claims.

The Examiner states that Cherry discloses a “control unit (54, 54a) controlling an opposite directional movement of the movable body in a multi-stage manner.” The movable body described by the Examiner is an arm 38, shown in Figures 5-8 of Cherry, which moves in and out between a pair of rollers 46, 48 in relation to a refrigerator door being opened and closed. The arm 38 is curved so as to cooperate with the roller 46 such that the refrigerator door is biased toward a closed position when the door is open about 30 degrees or less, and is biased toward an open position when the door is open more than 30 degrees (Column 3, Line 37 through Column 4, Line 17). Additionally, the arm 38 is provided with a first notch 65 which secures the door in a closed position when interacting with the roller 46 (Column 3, Lines 53-54), a second notch 68 which secures the door in a position of 90 degrees open when interacting with the roller 46 (Column 4, Lines 15-18), and a straight section 69 which secures the door in its most fully open position when interacting with the roller 46 (Column 4, Lines 20-31). Therefore, the arm 38 is able to releasably secure the refrigerator door in a closed position fully opened position, as well as one position between the closed and fully opened position.

This is in direct contrast to claim 1 of the present application, which recites, as amended, “a movable body coupled to the refrigerator door.....and a control unit controlling an opposite directional movement of the movable body in a multi-stage manner such that the refrigerator

door is maintained at a selected one of a plurality of predetermined positions between a closed position and a fully open position.” Therefore, rather than being maintained in only one open position between the closed and fully open positions, as is disclosed in Cherry, the refrigerator door of claim 1 of the present application may be held open in a plurality of predetermined positions between the closed and fully open positions, which provides an improved ease of use to a user of the refrigerator.

Therefore, Cherry does not disclose at least the feature of “a movable body coupled to the refrigerator door.....and a control unit controlling an opposite directional movement of the movable body in a multi-stage manner such that the refrigerator door is maintained at a selected one of a plurality of predetermined positions between a closed position and a fully open position.” Accordingly, Cherry does not disclose every element of the Applicant’s claim 1. In order for a reference to anticipate a claim, the reference must teach each and every element of the claim (MPEP §2131). Therefore, since Cherry does not disclose the features recited in independent claim 1, as stated above, it is respectfully submitted that claim 1 patentably distinguishes over Cherry, and withdrawal of the §102(b) rejection is earnestly and respectfully solicited.

Claims 2, 6-7, 12, and 14 depend from claim 1 and include all of the features of that claim plus additional features which are not taught or suggested by Cherry. Therefore, it is respectfully submitted that claims 2, 6-7, 12, and 14 also patentably distinguish over Cherry.

Claim 28 of the present application recites “a control unit to control an opposite directional movement of the movable body in a multi-stage manner such that the refrigerator door is maintained at a selected one of a plurality of predetermined positions between a closed position and a fully open position.” As discussed above in regard to claim 1, at least this feature of claim 28 is not disclosed by Cherry. Therefore, the Applicant respectfully submits that claim 28 also patentably distinguishes over Cherry.

Claims 29, 34-35, and 40 depend from claim 28 and include all of the features of that claim plus additional features which are not taught or suggested by Cherry. Therefore, it is respectfully submitted that claims 29, 34-35, and 40 also patentably distinguish over Cherry.

Claim Rejections Under 35 USC §103

In item 14 on pages 6-7 of the Office Action, the Examiner rejected claims 13 and 41 under 35 U.S.C. §103(a) as being unpatentable over Cherry. The Applicant respectfully

traverses the Examiner's rejections of these claims.

As discussed in the previous section, claims 1 and 28 patentably distinguish over Cherry. Furthermore, claims 13 and 41 depend from claims 1 and 28, respectively, and include all of the features of those respective independent claims plus additional features which are not taught or suggested by Cherry. Therefore, it is respectfully submitted that claims 13 and 41 also patentably distinguish over Cherry.

In items 15-17 on pages 7-9 of the Office Action the Examiner rejected claims 8-11, 15-17, 36-39, and 42-44 under 35 U.S.C. §102(a) as being unpatentable over Cherry in view of U.S. Patent No. 6,711,778, issued to Sparkman (hereinafter referred to as "Sparkman"). The Applicant respectfully traverses the Examiner's rejections of these claims.

As discussed in the previous section, claims 1 and 28 patentably distinguish over Cherry. Furthermore, claims 8-11 and 15-17 depend from claim 1, and claims 36-39 and 42-44 depend from claim 2, and include all of the features of those respective independent claims plus additional features which are not taught or suggested by Cherry. Therefore, it is respectfully submitted that claims 8-11, 15-17, 36-39, and 42-44 also patentably distinguish over the cited references.

Also, even assuming that the combination of Cherry and Sparkman did disclose the features of the present application, and the Applicant respectfully submits that they do not, there is no motivation to combine the two references. MPEP § 2142 states that "[w]hen the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the Examiner to explain why the combination of the teachings is proper." Here, the Examiner has simply stated, with no evidence to support the assertion, that "[a]t the time of the invention it would have been obvious for a person of ordinary skill in the art to take the device of Cherry and add the locking unit and control chamber of Sparkman to provide a plurality of stop positions." The Examiner is required to present actual evidence and make particular findings related to the motivation to combine the teachings of the references. In re Kotzab, 55 USPQ2d 1313, 1317 (Fed. Cir. 2000); In re Dembiczak, 50 USPQ2d 1614, 1617 (Fed. Cir. 1999). Broad conclusory statements regarding the teaching of multiple references, standing alone, are not "evidence." Dembiczak, 50 USPQ2d at 1617. "The factual inquiry whether to combine the references must be thorough and searching." In re Lee, 61 USPQ2d 1430, 1433 (Fed. Cir. 2002) (citing McGinley v. Franklin Sports, Inc., 60 USPQ2d 1001, 1008 (Fed. Cir. 2001)). The factual inquiry must be based on objective evidence of record, and cannot be based on subjective belief and unknown authority. Id. at 1433-34. The Examiner must explain the reasons that one of ordinary

skill in the art would have been motivated to select the references and to combine them to render the claimed invention obvious. In re Rouffet, 47 USPQ2d 1453, 1459 (Fed. Cir. 1998).

Also, the Applicant respectfully submits that not only is there no motivation to combine the two references of Cherry and Sparkman, the two references actually teach away from one another. "Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art" (MPEP 2143.01). "The mere fact that references can be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination." In re Mills, 916 F.2d 680, 16 USPQ2d 1430 (Fed. Cir. 1990). The disclosure of Cherry provides an arm that is biased toward a closed position until the door is opened to a predetermined angle, and biased toward an open position when the door is opened to an angle greater than the predetermined angle. Therefore, to combine the disclosure of Sparkman, and therefore provide a plurality of stop positions, would counteract the very essence of the Cherry disclosure, which is biasing the door toward either an open or closed position depending upon the angle of the open door. Therefore, the Applicant respectfully submits that the disclosure of Cherry teaches away from the combination with Sparkman.

In item 18 on page 9 of the Office Action the Examiner rejected claims 3-5 and 30-33 under 35 U.S.C. §103(a) as being unpatentable over Cherry in view of U.S. Patent No. 5,896,619, issued to Koopman (hereinafter referred to as "Koopman"). The Applicant respectfully traverses the Examiner's rejections of these claims.

As discussed in the previous section, claims 1 and 28 patentably distinguish over Cherry. Furthermore, claims 3-5 and 30-33 depend from claims 1 and 28, respectively, and include all of the features of those respective independent claims plus additional features which are not taught or suggested by Cherry. Koopman discloses a link bar hinged at a first end thereof to an end of a movable body, and connected at a second end thereof to a refrigerator door. Thus, the disclosure of Koopman does not cure the deficiencies of Cherry in regards to the present claims. Therefore, it is respectfully submitted that claims 3-5 and 30-33 also patentably distinguish over the cited references.

In items 19-20 on pages 10-11 of the Office Action the Examiner rejected claims 18-27 and 45-53 under 35 U.S.C. §103(a) as being unpatentable over Cherry in view of U.S. Patent No. 5,706,551, issued to Jeynes et al. (hereinafter referred to as "Jeynes"). The Applicant

respectfully traverses the Examiner's rejections of these claims.

Claims 18 and 45 each recite "a control unit to control an opposite directional movement of the movable body in a multi-stage manner such that the refrigerator door is maintained at a selected one of a plurality of predetermined positions between a closed position and a fully open position." As discussed in the previous section of this Amendment, at least this feature is not disclosed by Cherry. Jaynes apparently discloses a dampening unit to close a door, and therefore does not cure the deficiency of Cherry regarding the claims of the present invention. Therefore, the Applicant respectfully submits that claims 18 and 45 also patentably distinguish over the cited references.

Claims 19-27 and 46-53 depend from claims 18 and 45, respectively, and include all of the features of those respective claims plus additional features which are not taught or suggested by the cited references. Therefore, it is respectfully submitted that claims 19-27 and 46-53 also patentably distinguish over the cited references.

Summary

In accordance with the foregoing, the specification, drawings, and claims 1, 18, 28, and 45 have been amended. No new matter has been presented. Claims 1-53 are pending and under consideration.

There being no further outstanding objections or rejections, it is respectfully submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

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Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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